UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
POLLUTION PREVENTION

January 19, 2017

Larissa Walker
Center for Food Safety
660 Pennsylvania Ave., SE
Suite 302
Washington, DC 20003

Re: Freedom of Information Act (FOIA)
Request EPA-HQ-2016-007648

Dear Ms. Walker:

This letter is in final response to your FOIA request of June 14, 2016 for documents related to the Agency's review of thiamethoxam (MRID #49757201) and clothianidin (MRID #49836101) colony feeding studies. Enclosed are an additional 153 records responsive to your request.

EPA is withholding portions of most of the enclosed records under the deliberative process privilege of FOIA Exemption 5, U.S.C. § 552(b)(5), and portions of three records based on the personal privacy privilege of FOIA Exemption 6, 5 U.S.C. § 552(b)(6). Additionally, 58 records are being withheld in full under the deliberative process privilege. This privilege applies to inter- and intra-agency documents that are both pre-decisional and deliberative.

The withheld documents and portions of documents reflect deliberative communications among EPA staff, and between EPA and its regulatory partner agencies, the release of which would have a chilling effect on EPA's ability to conduct frank internal and co-regulator discussions as part of a joint scientific review and decision-making endeavor. While some of these documents do contain facts, they are not simply factual documents but rather reflect draft reviews, draft conclusions, and draft analyses prepared for intra-agency and co-regulator comment and evaluation in furtherance of reaching common scientific conclusions and regulatory approaches.

Releasing this information now would inaccurately reflect the view of the Agency and its regulatory partners on a number of ongoing complex technical matters and scientific reviews which are still being deliberated, as well as contribute to public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

You may appeal this partial denial determination by email at hq.foia@epa.gov, or by mail to the National FOIA Office, U.S. EPA, 1200 Pennsylvania Ave., NW (2822T), Washington, DC 20460. Only items mailed through the U.S. Postal Service may be delivered to 1200 Pennsylvania Ave. Appeals submitted by hand or overnight delivery, or courier service must be addressed to 1301 Constitution Ave., NW, Rm. 6416J, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "FOIA Appeal." Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Rm. 2510, 8610 Adelphi Rd., College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

If you have any questions concerning the processing of this request, please contact Calvin Furlow at 703-305-5229 or furlow.calvin@epa.gov.

Sincerely,

For: Delores Barber, Director
Information Technology and
Resources Management Division
Office of Pesticide Programs

Enclosures